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In the matter of

2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules And Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)))))	MB Docket No. 02-277
Cross-Ownership of Broadcast Stations and Newspapers	))	MB Docket No. 01-235

FCC DEREGULATION & LOCAL TV NEWS:

How Cross-Ownership, National Caps, and Duopolies are addressed in Three Commissioned Studies

Public Comment

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On December 3, 2002, Jonathan Adelstein was sworn in as a member of the Federal Communication Commission. His appointment brings the five-person panel to full membership for the first time in more than a year (Shields, 2002). The 40-year-old Democrat joins the Commission at a critical moment in U.S. media history. The FCC's third Biennial Regulatory Review of Broadcast Ownership Rules is currently underway. Launched in September (2002), the review "marks the beginning of the most comprehensive look at media ownership regulation ever undertaken by the FCC" ("FCC Initiates," 2002). According to the FCC, "the objective of this proceeding is to develop ownership rules and policies that are reflective of the current media marketplace, are based on empirical evidence, and are analytically consistent" ("FCC Initiates").

By way of the *Telecommunications Act of 1996,* [1] Congress mandates that the FCC review the nation's broadcast ownership rules every other year. At issue is whether the policies remain necessary to protect the public interest or whether evolving market forces (e.g., competition and technological advancements) eliminate the need for such regulation. In September of this year, the FCC announced it would review all six media ownership rules related to use of the broadcast spectrum.[2] The rules include:

- Newspaper/Broadcast Cross-Ownership Prohibition (1975)
- Local Radio Ownership (1941)
- Radio/TV Cross-Ownership Restriction (1970)
- Dual Television Network Rule (1946)
- National TV Ownership (1941)
- Local TV Multiple Ownership (1964)

[1] Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996).
[2] The FCC issued a Notice of Proposed Rulemaking on September 23, 2002 (MM Docket No. 02-277).

Half of these regulations have been in place for more than sixty years. But in light of recent legislative and judicial actions, the political landscape, and a fast-changing media market, the Commission is reconsidering the need for restrictions (*Fox v. FCC*, 2002; *Sinclair v. FCC*, 2002, 1996 *Telecommunications Act*).

The following paper examines the information upon which the FCC will ultimately rely to make its decision. The majority of that information comes in the form of twelve empirical studies, commissioned by the FCC's Media Ownership Working Group (MOWG) and released to the public this fall for review and comment. Conducted by researchers in academia as well as staff members within the FCC, the studies are designed to examine "the media marketplace and improve the FCC's knowledge base and ability to make informed media policy decisions" ("FCC Releases," 2002). According to Chairman Michael Powell, "it is critical that the FCC has a solid factual base to support its media ownership rules" ("FCC Releases," 2002).

RESEARCH QUESTIONS:

This paper analyzes research contained in these studies as it pertains to local television news – looking closely at the evidence which Chairman Powell says will drive the FCC's upcoming decisions ("FCC Chairman," 2002). Of particular interest is the relationship between increased consolidation and quality of news content in local markets. Specifically, the author seeks to answer the following research questions:

R1: How do the studies directly or indirectly address consolidation's impact on local TV news content?

R2: How do the studies' findings bear on duopoly regulations?

R2: How do the studies frame (and/or limit the scope of) the regulatory discussion?

METHODOLOGY:

While this study relies on quantitative analyses, it is qualitative in nature. It scrutinizes each study's research questions, theoretical foundations, methodologies, operational definitions, and conclusions. It evaluates perceived strengths and weaknesses in the studies as they relate to the examination of local television news. The author examines the studies based on the information provided in the original twelve documents (and *not* the additional data provided later in the public comment period).[3]

AN EXAMINATION OF NEWS-RELATED STUDIES

The 12 studies are divided equally into two general subject areas: consumer and market-based research. The division seems somewhat spurious. A number of exciting and potentially-important content questions are addressed in the so-called market studies while several market-oriented discussions take place in the content category. 23 authors contributed to the analyses, several of whom participated in multiple studies. The majority of researchers are employed directly by the FCC. Four are academics from higher-education institutions. One author is, in fact, a media research firm.

As noted earlier, it is *this* author's intention to focus on issues in these studies which involve television news, in general, and local television news in particular. I turn first, then, to a study which examines mass media use. In Study #8, Nielsen Media Research surveyed peoples'

[3] The FCC made all 12 studies available via the internet on October 1, 2002 at www.fcc.gov/ownership/studies.html. After making the studies public, the Commission received six petitions asking for more details about methodology and access to raw data underlying the results. The Commission responded on November 5, 2002, releasing

media habits ("Consumer Survey," 2002). This is one of the few times in which researchers actually talked to the public.[4] Although the sample frame may be skewing the results,[5] Nielsen's findings suggest Americans rely on television more than any other medium for both local and national news. When asked: "What sources, if any, have you used in the past seven days for national news and current affairs?," 92% of respondents reported using television, 71% newspapers, 56% radio, 32% Internet, and 20% magazines.[6] Similar patterns emerge locally. The majority reported getting local news and public affairs from a combination of television (92%), newspapers (79%), and radio (68%) in the past seven days. Internet and magazine use was 34% and 20% respectively at the local level.[7]

According to Study #4, the general purpose of all the FCC's studies is to "contribute to a better understanding of the consequences of consolidation" (Brown & Williams, 2002, p. 2). Given the FCC's pending decisions, and the media use information cited above, it is important to closely examine research which contributes to our understanding of public and media interests at the local level. Very few of the FCC's 12 studies, however, address news directly – either local or national. There are three which bear on these critical concerns. Respectively, they have serious implications for cross-ownership, the national cap, and duopolies. I analyze them here in

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additional information and extending the period for public comment. The new information includes revised findings, SPSS files, and Excel spreadsheets for seven of the 12 studies.

[4] Study #3 examines substation of media by consumers, but the researcher uses aggregate data obtained by Scarborough. It was not collected for the purposes of the FCC studies.

[5] Surveyors only contacted people 18 years and older in US households which had completed a Nielsen diary during February or May of 2002, meaning only households with televisions were surveyed. In addition, fewer than 30% of those contacted actually participated. As Nielsen points out, "characteristics of non-contacted and non-cooperating households may differ from the households used in this report." (p. 12). Findings about media use would likely be different if random sample of Americans was conducted.

[6] Numbers are rounded.

[7] These results are weighted for U.S. demographics based on an equal probability sample.

detail, beginning with the *only* study that ponders the relationship between consolidation and *actual* news content.

Consolidation & Content: The Impact of Cross-Ownership

Entitled *Viewpoint Diversity in Cross-Owned Newspapers and Television Stations*, David Pritchard (2002) analyzes news coverage of the 2000 Presidential campaign. The goal of this study (#2) is to determine to what extent commonly-owned newspapers and television stations in a community speak with a single voice about important political matters. Current FCC regulations prohibit the grant of a broadcast license to a company that owns a newspaper in the same community. However, as a result of being grandfathered into the 1975 rule change and waivers granted in recent years, 17 such combinations existed in the U.S. by mid-2002. Another ten newspaper-radio-television combinations were also in place.

The primary purpose of the FCC's cross-ownership ban is to preserve a diversity of viewpoints in local media. As author points out, the concern is twofold: (1) local cross-ownership might result in a reduction of viewpoint diversity in the community's media, and (2) a single owner might actively manipulate the news disseminated by its newspaper and broadcast properties in an attempt to influence local public opinion. In order to study whether these two concerns bear out in the "marketplace," the author analyzed news content generated by cross-owned newspapers and television stations. According to Pritchard, conditions in the 2000 Presidential elections were ideal for such a study.[8]

[8] The author gave three reasons for this. First, the race was close between two major-party candidates. Second, legal conditions were perfect due to the FCC's suspension of both the Personal Attack Rule and the Political Editorial Rule, which meant "broadcasters had more legal freedom to cover the 2000 campaign than any other campaign in recent memory" (p.4). Third, and perhaps most importantly, the two leading candidates had different political views

Pritchard selected ten newspaper-TV pairs for his examination. He did not stipulate how those ten were chosen. Eight of the ten are in large market cities. Two were in smaller markets. Prichard examined news and comments for 15 days of the campaign (between October 23 and November 6). In the newspapers, he and his coders looked at news stories, editorials, editorial cartoons, staff-written opinion columns, syndicated opinion columns, guess opinion essays, letters from readers, and free-standing photographs. On the television side of the equation, they looked at news stories which ran in the late evening local newscasts. Coders analyzed campaign items for "slant."[9] Items were either "Favorable to Gore," "Favorable to Bush," or "Neutral."[10] Coders also examined whether the newspaper endorsed a particular candidate.[11] For each organization, Pritchard computed a "coefficient of slant," where -100 = Pro-Gore, 0=Neutral, and +100 was Pro-Bush. He then analyzed the magnitude of difference in slant coefficients between the cross-owned newspapers and television stations, seeking evidence of distinct media viewpoints on the campaign.

According to Pritchard, in half of the combinations (5 of 10), overall slant of the coverage broadcast by a company's television station was "noticeably different" from the overall slant of the coverage provided by the same company's newspaper. In the other five, overall "slant" of newspaper coverage was not significantly different. The author found "no generalized evidence of ownership manipulation of the news in the situations of local cross-ownership we

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on the relaxation of newspaper-broadcast cross-ownership rules. Republican candidate George W. Bush was thought to support deregulation while then-Vice President Albert Gore was thought to favor retention of the rule. At issue at issue is whether the broadcast corporations might be more likely to support a Presidential candidate that supports their own financial bottom line or political interests... such as repealing the rule.

[9] Operationally-defined, coders asked themselves if, from the point of view of a hypothetical interested but undecided voter, the item would likely induce the person to vote for a particular candidate.

[10] Items were coded as neutral if they favored third-party candidates, were equally flattering or unflattering to Bush and Gore, or if they addressed polls and campaign strategies.

studied." He concludes "common ownership does *not* result in a predictable pattern of news coverage and commentary about important political events in the commonly owned outlets." In his opinion:

> Overall, the range of viewpoints in the campaign coverage of the cross-owned media under study tended to reflect the range of viewpoints discussed by the leading candidates for the presidency. In other words, cross-owned newspapers and broadcast stations covered the campaign in the way that mainstream American news organizations typically cover political campaigns.

Despite a limited number of observations and missing or incomplete data from several of the news operations,[12] Pritchard seems confident his findings are representative of the larger picture of media cross-ownership in particular and the mass media's coverage of the campaign in general.

Many researchers, however, would not be so confident. First, it is impossible to know whether this study paints a representative picture of cross-owned coverage in America, as the author did not stipulate his method for selecting these ten pairings. Was this a convenience sample or were the ten pairs randomly-selected? Market size could be confounding the results. 8 of the 10 pairings involve media organizations in large markets. It is unclear whether small-market conditions would lead to the same results and/or conclusions. Second, in his research design, the author made a choice that could be having serious effects on his findings. In this study, he did not compare cross-owned coverage with non-cross owned coverage. The question is not only whether content differences are discernible *within* cross-owned pairings but also whether they are different *between* cross-owned and non-cross-owned pairings. In other words,

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[11] Inter-coder reliability was very high at 92%.

[12] For TV stations, Pritchard used tapes provided by stations of late-evening newscasts. In one case, the tape was not available so coders used a written script of the program. In another case, the station supplied a log sheet and tape of reporter packages. Shorter stories could not, then, be coded. As for the newspapers, content of 5 of 7 papers was drawn from Lexis/Nexis. In two other cases, the newspapers supplied photocopies of their political coverage.

how different would the picture look if one examined news content in consolidated markets versus non-consolidated markets? It is entirely possible that the "slant coefficients" would be different in other markets. We will not know the answer until more research is conducted.

Speaking of "slant coefficients," there problems with the study's statistical analyses on two fronts: (1) in the statistics chosen for the level of measurement; and (2) in the lack of statistical information provided. First, I address the construction of the "slant coefficient" itself. The coefficient was created by averaging items which were originally coded as Pro-Bush, Pro-Gore, or Neutral. The original level of data is categorical. However, the author converted this data into higher-level data and used the newly-created coefficients to run independent samples t-tests. These are inappropriate statistical tests given the level of data. T-tests are designed for use with continual variables only, not categorical. This means a necessary assumption underlying the test was not satisfied (normal distribution). It would have been far preferable to run chi square tests, which are appropriate for categorical data (and where assumptions are fewer). These tests are less sensitive and are likely to produce different statistical results.

Even if the author could justify his statistical procedures, the way he presents his findings is awkward at best. When comparing "slant coefficients," Pritchard's analysis shows, in half of the cases, the slant of television station coverage was "meaningful" or "noticeably different" from the slant of coverage provided by the same company's newspaper. Pritchard does not say whether that difference is statistically significant. The reader is unable to determine this for himself/herself given data provided in the original document.[13] The author conducted an independent samples t-test but did not provide the necessary benchmark t-statistics. It appears, however, using footnote #15, the author determined what constituted a "meaningful difference."

[13] As noted earlier, I am not re-running statistical analyses based on data supplied later in the public comment period.

The benchmark appears to be 83% (with a corresponding p-value of .17). While he does not provide actual p-values, of the five pairs deemed to show no "meaningful difference," it appears that Fargo was p=.17, in two other cases p=.11. None of these would be considered statistically significant under even the most loose social science standards. In two cases, the p-values appear to be .04 (Phoenix) and .01 (New York/News Corp.) respectively, which are statistically significant.

The question here is whether "meaningful" or "significant" should be the standard applied. Since the U.S. Court of Appeals and the FCC argue all decisions should be based on standardized empirical evidence (*Fox v. FCC*; *Sinclair v. FCC*; "FCC Initiates," 2002), it seems reasonable to apply one of the most basic empirical standards in social science. As such, one would necessarily question this study's findings. Reading Pritchard's conclusions, one would assume that cross-ownership has no "predictable" effect on news and editorial content. Closer analysis suggests the differences between the TV station's slant and the newspaper slant are significant in *only two* of the ten cases. This means in 8 of the 10 cases, the coverage "slant" is basically the same in print and on TV. Also, the author chooses not to make much of the fact that 7 papers endorsed Bush whereas only one endorsed Gore. Two were neutral. As the author points out, the papers' editorial endorsement is a variable worthy of studying, yet he did not address this lopsided finding. He did, however, note that the Tribune Company, which owned four papers in the study, did not require its papers to coordinate endorsement.[14] This is perhaps the most interesting and useful finding in the study.

While the limited numbers of observations included in the study "prevent us from drawing firm or sweeping conclusions about the findings," Pritchard apparently feels

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[14] Two endorsed Bush, one endorsed Gore, and one made no endorsement.

comfortable doing just that. In his executive summary, he says common ownership "does not result in a predictable pattern of news coverage and commentary about important political events in the commonly owned outlets." Given the critique above, one could easily argue the opposite – that in 80% of the cases, the difference in "slant" between newspapers and television stations owned by the same companies were not significant. In short, Pritchard suggests there is nothing to fear by allowing more cross-ownership in the United States. These findings, however, are wanting on too many fronts to help the FCC make an informed decision. Better research design, improved sampling methods, and more appropriate statistical analyses are required to answer the critical questions left unresolved by this study.

Consolidation & Quality: Assessing the Need for a National Cap

I turn next to questions of quality. Conducted by Spavins, Roberts, and Frenette (2002), Study #7 examines the performance of television stations owned and operated by America's four largest broadcast networks (ABC, NBC, CBS, FOX) relative to the performance of affiliates.[15] The underlying question is whether the quality of local television news and public affairs would be positively or negatively impacted by the lifting of a national cap that currently keeps networks (or any other ownership group) from reaching more than 35% of American viewers. In this study, the authors do not directly examine actual programming content, however. Instead, they use ratings, awards, and amount of time devoted to news as *implied* measures of quality.

[15] Affiliates are largely owned and operated by media groups (such as Gannett, Belo, etc.). If the national cap was lifted or expanded, the networks (as well as other ownership groups) would be in a position to own and operate more stations, leading to efficiencies of scale.

Spavins, Roberts, and Frenette restricted their study to markets where there was at least one Owned & Operated (O&O) station competing head-to-head with and at least one network affiliate.[16] In all, the authors list 106 stations (from 26 markets) in top-50 markets and another 24 stations (from six markets) in markets 54-177. The importance of this top-50 distinction will become apparent shortly. When counting awards, the researchers count the number of RTNDA (Radio and Television News Director's Association) annual awards and Silver Baton of the A.I. DuPont Awards.[17] For ratings, the researchers use figures obtained for the 5:30 and 6pm newscasts during the November 2000 Nielsen sweeps. The authors counted the hours of public affairs programming aired during the same time frame. And finally, they counted cross-ownership conditions (cases where the affiliate and a local newspaper were owned by the same company).

The authors found no "meaningful difference" between the performance of O&O and affiliates in the ratings of local evening news. With respect to the receipt of awards, however, data indicate that O&Os experience "greater success" than do affiliates. Regarding quantity of content delivered, O&Os produce, on average, more local news and public affairs programming than other affiliates. In one final result, the authors say cross-ownership appears to positively affect both quality and content of local news programming. In combination, the results suggest network ownership *and* cross-ownership both lead to better news.

There are multiple shortcomings in this research, however, both methodologically and theoretically. First, and foremost, the authors fail to provide a theoretical foundation for

[16] Again, the authors included only NBC, CBS, ABC, and FOX in their data set. However, there was one case in which a WB station, KNTV in San Francisco, was listed in the Appendix as being included in the analysis.

[17] The RTNDA awards were received in the years 2000 and 2001. The DuPont awards were received between 1991 and 2002 (a span of 11 years).

conducting this particular analysis. Why would one think that network-owned stations would produce higher-quality news than, for example, stations owned by well-respected media organizations such as Gannett, Media General, Hearst-Argyle, or Belo? All have long traditions of producing news in local markets. The authors do not even attempt to theorize the reason for making such a comparison. Similarly, the authors fail to provide a theoretical argument for why they would expect to find quality differences between cross-owned and non-cross-owned stations. This is especially troublesome given a key analytic decision the authors made in applying this variable in the current analysis. As they point out in a footnote, they operationally define a station as being co-owned if the company "owns at least one television station and one daily newspaper *irrespective* of whether any two of the commonly-owned outlets were the same local market." [18] Given this definition, there appears to be no reason for conducting such a comparison.

Also troubling is the way in which the authors report their findings: as pure numbers, percentages, or indexes. While the figures included represent relatively higher or lower quality, the reader has no way of knowing what these differences actually mean. The authors do not report conducting any statistical tests. Take, for example, the index of RTNDA award winners.[19] The network index is reported as 126 (26% above the average) versus 96 for affiliates (4% below the average). When comparing awards among cross-owned affiliates versus non-cross-owned ones, the indexes of RTNDA awards are 319 and 22 respectively. This is appears to be a huge difference. What we don't know is whether these differences are statistically significant. Short

[18] See Footnote #1 in the original study.

[19] This is reported as an index of the success of the stations in each category relative to the per-station average of awards for each award's sample base (where 100 equals the average; 200=2x as many awards, and 50= _ as many)

of re-analyzing the raw data for ourselves, it is impossible to examine the findings with any degree of scientific certainty.

Spavins, Roberts, and Frenette *do* acknowledge some of the limitations of their data, however. They say their results necessarily rely on the data upon which it was based, including the selection of stations, the use of specific awards, and the use of ratings. There are methodological problems with each of these factors. Regarding the sample frame, several of the markets included in the analysis were not in the top-50. This is extremely important in the current analysis, as RTNDA does not give awards to stations outside the top-50 markets. The authors never tell us what impact this has on their analyses. Lacking a key variable, it seems the authors should have eliminated from consideration all stations which did not qualify for awards in the first place. They do not report having done this, which leaves one to believe they have incorporated these smaller-market stations into their tabulations. If this is true, it would clearly affect the findings.

Regarding ratings, one must wonder why the authors used only the 5:30 and 6pm newscasts into their equation. In the television news business, stations often focus resources and attention on different newscasts as their "newscasts of record." These differences vary by market and by time zone. On the East Coast, for example, the 6pm is highly important while the 10pm is often the most heralded newscast on the West Coast and in Central/Mountain time zones. In addition, there are serious questions about the affect of "lead-in" on the 5:30 and 6pm ratings. In several stations, Oprah precedes the newscast, giving the station a huge boost -- a head start on "quality" the other stations do not have. For these reasons alone, it would have been far superior to use ratings for each of the stations' newscasts and public affairs programs to create an average. This revised measure would, perhaps, ameliorate potentially confounding effects.

All of this, of course, assumes ratings and awards are adequate measures of quality. The authors contend ratings are a direct measurement of viewer choice to the extent that viewers find the quality of the program worth watching relative to other programs and other uses of their time. There are several arguments against assuming such a parallel. Ratings are often driven by factors external to quality: which station has the handsomest or friendliest anchor, which station airs lottery numbers, or (as noted above) which show leads into the newscast. To complicate matters, what stations run in their newscasts (and in which newscasts they run it) is often driven by research and consultants regardless of quality concerns. Often, the question is, what will bring the most eyes to the television set (and keep them there). While ratings may be a direct measure of viewer choice, for these reasons and more, it can easily be argued that they do not, by themselves, adequately gauge quality.[20]

Spavins, Roberts, and Frenette argue awards are another way of assessing relative performance. Their contention is that industry practitioners, by applying detailed knowledge of the craft in the awards process, are often in the best position to identify excellence. This is a solid argument. However, awards do not simply arrive at the doorstep. Stations must first submit content for consideration. Financial and cultural considerations play a significant role in the process. First, in most cases, it costs money to submit award entries. Second, someone must be paid (or given the time) to coordinate and submit the station's entries. Lastly, many stations (and ownership groups) simply don't value awards, so they don't enter. In addition, anyone working in the media industries knows this process can be political. Certain employees or news units are frequently favored over others when it comes time to consider content for award

[20] This is not to say viewers are incapable of deciding what constitutes a quality news product. It is to say, however, that ratings alone are insufficient measures. This argument will be expanded below.

submissions. Given that the presence or absence of awards is defined by exogenous variables, this measure is problematic.

The authors admit this shortcoming. They point out that ratings and awards are, at best, "imperfect proxies for what we seek to measure." Yet they *are* the measures these authors selected. Doing scientific research requires one to make choices. No doubt, measuring quality can be tricky business. Often, the categories and standards applied are normative in nature – creating standards for what the audience/public *should* like and *should* be exposed to. When it comes to measuring quality in local news, there are far better measures available. In their annual study on local television news, for example, the Project for Excellence in Journalism defines a quality newscast as one that accomplishes seven goals: (1) covers a broad range of topics; (2) focuses on significant aspects of the news; (3) is based on original reporting; (4) provides credible information; (5) uses multiple sources; (6) balances stories with multiple points of view; and (7) contains locally relevant stories ("Gambling with the future," 2001). In this year's study the researchers examined more than 33-thousand stories, gathering information on at least thirty separate variables each ("Local TV News," 2002). Although not nearly so vast as the Columbia University project, other researchers have applied similar quality measures for TV news content (Carroll & Tuggle et al, 1997; Davie & Lee, 1993; Slattery and Hakanen, 1996). One could, for example:

- Count the number of minutes devoted to news (which was applied in this study).
- Count the number of stories unique to that station's newscast ("enterprise reporting").
- Count the amount of news which is truly local (versus provided by feed services)
- Count the amount of news in content categories: Politics, Crime, Education, etc.
- Analyze the fairness and balance in individual stories.
- Analyze the diversity of sources and subjects (especially regarding racial/ethnic minorities and other non-dominant groups).

Better yet, talk to the news viewers themselves and see how they define quality. As Lind (1995) found out, viewers can judge quality for themselves and don't particularly want researchers (or the government) to interfere with their viewing options.

To paint an accurate picture of quality, one must study actual content, which is difficult and time consuming. It is far easier to apply measures which are easily obtainable. This is not to say that ratings and awards do not help researchers gauge quality. The argument is, they are insufficient measures in and of themselves. Besides troubled measures, the authors fail to outline their theoretical underpinnings. Nor do they attempt to hypothesize why they found what they found. The implication of the findings, however, is that deregulation would be good for the "consumer." Information found in the O&O versus affiliates table supports the elimination of a national cap on broadcast ownership (which would clear the way for the networks to purchase more affiliates). Regarding co-owned versus non-co-owned operations, this finding implies the repeal of the cross-ownership ban for broadcast and newspapers would actually result in better quality and quantity of news and public affairs programming for local news viewers. Given the limitations in the data and research design, these findings should be read very carefully before being used to change FCC broadcast regulatory policy.

Consolidation & Substitutability: Diverse Voices & Duopoly

Moving from questions of quality to substitutability, Study #3 examines *Consumer Substitution Among Media* (Waldfogel, 2002). Waldofgel asks whether the changes in availability or use of some media have brought about changes in consumers' use of other media. In short, he examines whether different media provide the public with information substitutes.

According to the author, the question is important because FCC media ownership policies are predicated (to varying degrees) on the extent of substitutability of media for various purposes – news, entertainment, etc. Using an economic, supply/demand model, this study examines the extent of substitutability across media. The researcher pays particular attention to news.

Ultimately, he observes the number of outlets in each medium (radio, television, cable, daily newspapers, weekly newspapers, and the internet) for 140 Designated Market areas (DMAs). He uses these data, combined with individual-level data collected in the nation's top-66 markets,[21] to construct a map of media use. He then uses the map to draw "substitution inferences." Although the use of each medium varies depending upon demographics (age, education, gender, race/ethnicity, social class), he reports the following aggregate, descriptive data:

- Daily Papers: 53% read a daily paper; 91% of those read a news section.
- TV News: The average viewer watches more than 2 _ hours of news per week.
- Cable: 73% of households have cable
- Satellite TV: 14% of households have satellite television.
- Radio: The average person listens to 2-3 radio stations, the most popular being news/talk/info; _ report getting some news from radio.
- Internet: 56% have access at home or at work; 31% use it for news.

Next, Waldfogel attempts to determine whether increased use of one medium leads to decreased use of another. Controlling for demographic variables, he found the clearest evidence of substitution between broadcast television and the Internet (both overall and for news), between daily and weekly newspapers, and between daily newspapers and television news. There is also some evidence of substitution between cable and daily newspapers (both overall and for news consumption), between broadcast television and radio (for news), and between the

Internet and daily newspapers (for news). He found little or no evidence of substitution between weekly newspapers and television, between radio and Internet, or between radio and cable.

The author points out, however, that this data is limited for a number of reasons. First, his methodological approach allows him to examine only two media at a time. In real world conditions, people have several options to choose between. The findings are also based on aggregate data which do not account for individual-level differences. He advises those who read this study to understand that aggregate data have the effect of "average out" behaviors that may be dependent upon specific news events: "Instead of being a 'fixed' conditions, actually vary in situations where a specific event changes their level of interest in information (which may, in turn, bring about a change in their use of multiple media)."[22] He also points out that this data cannot necessarily be applied to local news markets because it is based on aggregate national data which includes both large and small market cities. Large markets operate differently (and provide more outlets of all kinds) than smaller markets.

Waldfogel concludes that certain media compete with each other for consumers' attention, providing evidence of substitution by consumers between (and among) certain media outlets. These findings, he argues, raise questions about whether media are sensibly viewed in isolation for policy purposes. He suggests his findings should lead one to reject the view that various media are entirely distinct. He is far more cautious, however, in defending the concept of substitutability as it relates to news. He says his study cannot completely answer the question of whether substitution is sufficiently effective that all media should be considered substitutes for

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[21] As provided by Scarborough.

[22] The author also points out that aggregate data supplied by Scarborough are problematic because, despite their substantial appeal, "consumption data have the drawback that individuals who use one medium heavily may also use others heavily" (p. 25). It is of concern to this researcher that this type of media behavior is depicted as a "drawback." These news or media "junkies," and their habits, should be considered as representative of the scope of media behaviors as individuals who "consume" less.

news and information purposes. He admits the idea of substitution is perhaps a somewhat biased measure and that true conditions might be, in fact, "complementary" instead.

The question of substitutability versus complementarity is key. Media may be more or less substitutatable depending upon the story. A simple evaluation of one's own media use helps demonstrate the point. If one is trying to find out how the City Council voted on a local noise ordinance, there is little difference between getting that information from your local TV station versus your daily papers. But the kind of story affects the scope of information needed, and where you can go to find it. Following the attacks on the World Trade Centers and the Pentagon on September 11, 2001, millions of people turned on their television sets to learn what was happening. Whether they watched via broadcast, cable, or direct satellite, for days, many were "glued to the set." Still, one channel was not enough. Many flipped from the networks or cable news outlets to their local news to find out how the attacks were affecting their own communities. They also turned on their radios and read local newspapers to learn more details in writing. The daily papers provided a synopsis of the previous day's developments and concentrated, detailed coverage. With a developing news story like this one, however, the television news coverage added vital information to the mix. As in the case of videotapes shot by victims at ground zero, for example, information provided via video could not possibly have been transmitted in print. It is not, then, a stretch to assume that consumers might be looking for different sorts of information from different media suppliers, seeing various media as complements rather than substitutes.

There are also difficulties when one tries to apply an economic model such as this one to real-world media conditions. This issue can be demonstrated two different ways. First, one of model's underlying assumptions is that, all prices being equal, "the greater availability of outlets in one medium will reduce the use of the other medium" (p. 8). This suggests a greater number of daily papers will reduce use of television and vice versa. However, availability of resources is only part of the equation. Individual needs, interests, and habits also drive media behavior. Such economic models also become problematic by including cable in the analysis. Waldfogel's data show less than _ of the U.S. population receives cable (p. 14). His supply/demand model assumes consumer demand for an available product depends on the price of the product and if the other products are substitutes. Cable is not free. As argued earlier in the paper, a large proportion of the American population does not receive cable (many because they cannot afford it). For these Americans, the price of cable makes it impossible to evaluate this resource as a substitute. The same argument can be made for the Internet, which only reaches 56% of American adults and also costs money to access.[23]

In addition to cost issues, it is potentially confounding to analyze broadcast television as a medium distinctly separate from cable or direct satellite systems. Can one truly examine these media as being "separate" when it comes to local news? Research shows the economic success of cable and DB systems depends, at least in part, on the inclusion of local broadcast signals (Levy, Ford-Livene, & Levine, 2002, p. 51). Since the majority of locally-produced content is "news" and "public affairs," without specific ratings measures of cable or direct satellite use, it is impossible to know how much viewers are relying on these "new media" for locally-produced programming.

Last, I address the question of substitution among "niche" markets. According to Waldfogel, evidence suggests national newspapers such as the *New York Times* are substitutes for local daily newspapers. He states, "In markets with greater increases in *Times* circulation,

[23] Again, this figure is based on access from home or work. It does not include public access at libraries, universities, etc., which is typically provided for free.

there is a larger decrease in local paper circulation in zip codes containing educated persons targeted by the *Times* (my emphasis). This indicates that national papers are substitutes for local ones" (p. 9). This last statement fails to stipulate the limited nature of such a finding. It is easy to see how some "educated" demographic groups might see the *Times* and their daily paper as substitutes – but only if their corresponding interest in local issues is less. In short, this evidence of substitutability fails to address obvious demographic variation (based on age, education, and social class) buried within the analysis. Regarding another demographic variable, Waldfogel finds minorities (primarily African Americans), are more likely to use non-local media (such as the Internet or cable television) in markets where they are more isolated. This does not necessarily imply the national media is a substitute. Perhaps, lacking media attention in their own markets, they must turn elsewhere to see coverage of issues of importance to their respective groups. This does not suggest the two are substitutes. One may provide relatively more or less of a certain type of content while the other fills in the gaps.

In conclusion, this study provides important evidence about media use patterns in the United States. As such, it is useful in the FCC's upcoming regulatory decisions. It is perhaps most practically-applied to the "8 voices" debate, in that it supplies some of the empirical evidence called for by the U.S. Court of Appeals (in *Sinclair v. FCC*). The findings, however, are limited by the nature of the data and by theoretical assumptions underlying the data. To reiterate, he admits the idea of substitution is perhaps a somewhat biased measure and that true conditions might be, in fact, "complementary" instead. This author goes to great lengths to qualify his results. There is no reason why the FCC should not do the same.

CONCLUSIONS & IMPLICATIONS:

Each of the studies analyzed above was designed to generate empirical evidence upon which the FCC can rely to set regulatory policy. Respectively, they have serious implications for the Commission's pending decisions on cross-ownership, the national cap, and duopolies. As several researchers noted, the purpose of the FCC's empirical studies is to better understand the consequences of media concentration. The question is, do these studies provide the evidence we need to effectively change policy? When it comes to consolidation's impact on local news, this researcher's answer is a resounding no.

Of greatest concern is the lack of research directly examining the impact of consolidation on television news content. Several studies get close to the mark but they are not on target. In Study #2, Pritchard analyzes news coverage of the 2000 Presidential campaign. The author seeks to determine whether newspapers and television newscasts exhibit a collective "slant" when owned by the same company. The normative assumption is that cross-ownership leads to decreasing diversity of opinions. Pritchard concludes, however, that common ownership does not result in a predictable pattern of news coverage. A detailed analysis of his findings suggests otherwise. After re-examining the data using more stringent social-science standards, one finds that in 8 of the 10 cases studied, there is no significant difference between the newspaper's "slant" and the television station's "slant." Contrary to Pritchard's conclusions, this suggests cross-ownership could be impacting content.

Of the 12 studies commissioned by the FCC, this was the *only* one to directly examine news content. For that, I applaud him. His research design, however, leaves something to be desired. In his analysis, he creates a measure to compare the similarity of news "slant" among ten pairs of cross-owned newspapers and television newscasts. He does not, however, have any external data against which to judge these findings. By failing to examine conditions in non-cross-owned pairs, we have no way of knowing whether the distances found here are similar to or different from "slant" in non-consolidated media conditions. His statistical analysis was also highly problematic. As such, this study fails to fully-investigate consolidation's potential effects.

Conducted by Spavins, Roberts, and Frenette, Study #7 examines the performance of local television stations owned and operated by national networks versus local stations owned and operated by other companies. They want to know whether the network O&Os produce a higher- or lower-quality news content. Additionally, they examine the impact of cross-ownership on quality. The authors use ratings, awards, and amount of time dedicated to news and public affairs programming as measures of quality. Although they find no "meaningful difference" between the performance of O&O and affiliates in the ratings of local evening news, they *do* find O&Os win more awards and produce more news than non-network owned affiliates. They say their data also indicate that stations co-owned with newspapers offer more quality content and a greater quantity of local news programming than affiliates which are not cross-owned.

Although it examines television news, Study #7 examines neither content nor the actual impact of consolidation. In fairness, it could be argued that amount of time devoted to news is a measure of content. However, when most media researchers talk about content, they are referring to actual elements of news coverage, such as stories, editorials, graphics, etc. Instead, these authors use ratings and awards as implied measures of quality. Given the relevance of their findings to the future of decision-making at the FCC, "implied" doesn't quite do the trick. As outlined above, there are many reasons why these measures are inadequate to the task at hand. If the researchers wanted to find evidence of content quality which was pre-assembled and easy to access, they might have considered turning to the Project for Excellence in Journalism, which for years has analyzed media content across the United States and has a vast database.

Even if these authors did employ other measures, their sample frame does not allow them to accurately study quality in light of consolidation. This study pits ABC, NBC, CBS, and FOX O&Os against affiliates largely-owned by media conglomerates. It does not examine what happens to news content when a local television station is purchased by a network or a conglomerate. Nor does it examine what happens to news content when an organization which already owns one station in the market is allowed to buy another (so-called duopolies). These are the questions the FCC needs answered before making its decisions.

Since 1999, the FCC has allowed duopolies under certain limited conditions, but only in cases where 8 independent broadcast voices remain in the market. In *Sinclair v. FCC*, the Courts required the FCC to revisit this standard and justify, empirically, the need for 8 voices. Arguably, it is impossible to devise a single study which would definitively answer that question. But several studies, in combination, might help. For example, if researchers were to gather baseline data on news content in a market before duopoly conditions were allowed, and then track changes in the news product over time, the resulting evidence would be extremely helpful. But this would be a single case study. If the exact same design were employed in multiple markets, and then combined, a more representative picture might emerge. This would take intense coordination and pre-planning on the part of the FCC and media scholars. But it is possible to gather such data – data which would directly address critical issues before the Commission.

Study #3 also directly affects the future of the duopoly dance. But like Study #7, it does not measure either content or consolidation. It simply examines whether the expanding availability of media options provide the public with information substitutes. Using economic modeling, the author finds the "clearest" evidence of substitution between broadcast television and the Internet (both overall and for news), between daily and weekly newspapers, and between daily newspapers and television news. Although substitution, he points out, may not be the right word. He stipulates that, especially when it comes to news, media may actually compliment each other rather than serve as substitutes.

The concept of substitution, however, plays a crucial part in the FCC's decision about duopolies. The "8 voices" duopoly debate does not only ponder how *many* distinct voices are necessary to lead to a "diverse" marketplace of ideas. The *kind* of voice matters as well. Television regulations require 8 distinct broadcast voices remain in the market before a duopoly would be allowed. The standard is different for radio. According to the Telecommunication Act of 1996, the 8 voices do not necessarily have to come over the airwaves. Cable and newspapers also count. This is where the question of substitution comes into play.

In Study #3, Waldfogel says his findings raise questions about whether regulators should view television, radio, newspapers, or the internet as entirely distinct media. He provides evidence of that certain media compete with each other for consumers' attention. This is no doubt true. With so many options, and only so much time, we all make choices. But that does not lead one to believe that actual substitution is going on. Nielsen research shows more Americans rely on television more than any other medium for both local and national news. When asked: "What sources, if any, have you used in the past seven days for local and current affairs?," 92% of respondents reported using television. However, 79% said Newspapers, 68%

said Radio, 34% said Internet, and another 20% of survey respondents said Magazines. If media were, in fact, substitutable in the public's mind, it is unlikely we would see so much overlap between these media resources. Lastly, if advertisers do not perceive of television, radio, newspaper, and cable as substitutes for each other (Bush, 2002), it is unclear why we would think the public sees them as substitutes. The findings from Study #3, however, are likely to be taken as evidence that a broader standard can be applied when considering what counts as distinct in the duopoly, "8 voices" decision.

In summary, none of the studies included in the FCC's 12 examinations looks squarely at the relationship between consolidation and news content in local markets. It is in these markets that we should be most worried about. As a number of these authors point out, many of their findings are based on research collected in large markets. In large markets, individual viewers, readers, and listeners have significantly more media options. In their reliance on large market data, all three of the studies analyzed here may be overlooking issues which would only come to light if smaller markets were studied. In addition, two of these studies rely heavily on aggregate audience data. Aggregate data has a profound "averaging" effect, making it difficult to see the true scope of actual media behaviors, needs, and desires. In fact, in none of the 12 studies commissioned by the FCC did anyone actually direct ask these questions of the American population.

Lack of Public Input and Time:

It is unlikely the public will have a chance voice their opinions in any substantial way before the FCC makes its decisions. Although the FCC made results of these 12 studies available for public comment and analysis, it is extremely difficult to grasp what the findings in these studies actually say, especially if one is not a mathematician, statistician, social scientist, or public policy expert. Nor do most Americans have access to or the skills to use advanced statistical tools (such as SPSS) which are necessary to sufficiently analyze the underlying data.

Besides written comment, the public will have only one chance to have their views heard. The FCC has scheduled a public hearing for February. Despite the sweeping implications for media policy and the American public, according Chairman Michael Powell, this will be the only open hearing on the subject. Powell believes the empirical studies "provide the most important foundation for our decision in a manner that the courts will sustain" ("FCC Chairman"). According to him: "The Commission is committed to developing rules that are internally consistent, tailored to the modern media marketplace and empirically justified. The public interest, and the courts, demand nothing less" (FCC Chairman").

The lack of public input has led to substantial debate among Commissioners. While welcoming the decision to hold a public hearing, Commissioner Michael Copps (one of two democrats on the 5-person panel) argues more hearings should be held to "flesh out the record needed for this single most important decision the Commission will make next year" ("Commissioner Michael Copps," 2002). On the panel for less than a week, Jonathan Adelstein is also jumping into the fray. The newly-appointed commissioner argued: "These are issues that go to the heart of our democracy – a diversity of voices on the airwaves, localism. We can't do too much reaching out" ("Adelstein eyes," 2002; McClintock, 2002). Adelstein and Copps both believe the FCC should take more time to consider its options and seek out more information from the American public. Chairman Powell disagrees. While he admits public input "can provide value to our proceedings," he contends "severe budget constraints and a commitment not to further delay completion of the critical proceeding are" paramount considerations ("FCC Chairman").

The question is, who stands to loose the most if the FCC were to expand the scope of public hearings and conduct additional research on these vital issues. Commissioner Copps believes the public stands to loose the most:

> We've asked the public to analyze six separate media consolidation rules. We've asked them to sift through twelve studies that many groups claim are inadequate. We've asked them to suggest what other areas of this issue need to be explored. And we've asked them to do all this in a media landscape that has changed dramatically over the past decade. Yet we provide a mere 60 days to do this. (Commissioner Michael Copps Expresses 'Alarm'," 2002)

A growing number of groups are speaking out on the matter. A coalition of more than thirty consumer, civil rights, low income, senior citizen, and minority organizations recently released a statement criticizing the FCC's ongoing efforts to allow media mergers and acquisitions (Ho, 2002; "Public Opinion, 2002). The Consumer Federation of America, the Consumer's Union, the Center for Digital Democracy, and the Media Access Project are among the most vocal opponents. CFA's Director of Research questions the quality of the studies and contends that Chairman Powell is more interested in "promoting variety in the entertainment market" than diversity on the public airwaves ("Public Opinion."). They point out the studies themselves and the lack of public comment leave far too many questions un-addressed. Commissioner Copps adds the FCC is "under no mandate to resolve these issues by a date certain. We must place making the right decision ahead of making a hasty decision." In fact, the courts have not asked the FCC to complete its analysis within any particular time-frame.

stronger than expected in 2001 (p. 18). Contrary to doomsday projections published in a previous report, the authors say broadcast media are doing quite well. And they stand to do even better in the future once they find a way to harness new digital and internet technologies for their own use (and for the benefit of their viewers)(p. 95). In short, these authors argue the popularity of cable and other competing technologies over broadcast will likely lead to changes that are "evolutionary not revolutionary" (p. 44).

FCC Decisions & the Future: A Call for More Research

Broadcaster owners do not appear to be in dire straits. Given the deficiencies in the empirical data in these 12 studies, and the public interests at stake, this researcher requests the FCC proceed with extreme caution, especially regarding regulations that potentially affect news content, including cross-ownership, the national cap, and duopolies. There is still much information to be gathered. Each of the FCC-commissioned studies contributes to the conversation, but even these findings are conflicting. Six directly or indirectly support deregulation (Brown & Williams, 2002; Pritchard; Roberts, Frenette, & Stearns; Spavins, Denison & Frenette; Waldfogel; William, Roberts, & Alexander, 2002). Four suggest deregulation has had a deleterious effect and/or the time is not necessarily ripe for change (Bush, 2002; Cunningham & Alexander; Einstein, 2002; Levy, Ford-Livene, & Levine). Another two appear neutral ("Consumer Survey"; Williams & Roberts, 2002).

Still, as nearly every one of these authors points out in their respective studies, multiple questions remain unresolved and further research is necessary. Several of the present studies could be re-conducted with methodological revisions (applying the critique above). Regarding duopolies, which went entirely unexamined in these analyses, the FCC might also consider limited deregulation that would provide researchers with additional opportunities to gather data. For example, the FCC could allow additional duopolies in a limited number of cases on the condition that owners open their doors to researchers. Researchers could then conduct detailed content analyses before and after the sales go through. In addition, audience surveys could be conducted to ask viewers in markets where duopolies exist what quality changes they perceive. Researchers could gather additional data on the decline, if any, of newscasts in communities where duopolies currently exist. To date, this evidence is largely anecdotal. But it is available if only someone asks the right questions.

We need to determine appropriate measures of quality and employ various methodological approaches to assess picture in a more complete way. Empirical answers might fruitfully be found by applying some of the approaches within the radio marketplace studies already commissioned by the FCC. In 1996, the Telecommunications Act eliminated radio ownership's national cap and significantly reduced local market concentration rules. Duopoly rules were only revised in 1999. This means radio has a 3-year head start on deregulation. It also means researchers have had more time to assess the impact. The studies on radio diversity demonstrate the sorts of questions that need to be asked about television news. For example, Williams & Roberts studied the impact of deregulation on certain radio formats (a measure of diversity). Williams, Brown & Alexander conducted an interesting analysis of diversity among radio play lists. Both analyses might help point television researchers in the positive directions.

Many of the studies suggested here, if well-conducted, could actually provide the empirical evidence the FCC needs to allow further deregulation. I have personally witnessed conditions under which cross-ownership has resulted in what I perceive to be increased quality.

Media General's convergence project in Tampa Bay is an excellent example. This company uses print, broadcast, and the internet in combination to produce a new and different type of news coverage. Clearly, there is a need to balance competitive concerns with public interest. We know broadcasters stand to benefit from decreasing regulation. But until more research is conducted, it is impossible to know whether the public will benefit as well.

In this paper, I have not examined the process by which the FCC settled on the commissioning of these 12 specific studies. I do not know how subjects and/or methodologies were chosen. Nor am I am expert in public policy or statistical analysis. As a social scientist, however, I do know that the nature of research (which topics are selected, which methods selected, how issues and units of measurement are operationally-defined, and the presentation of the findings) shape what we come to know about our culture. Epistemologically-speaking, *what* we know and *how* we know it depends on a host of issues. As such, I believe the studies provide an incomplete picture of the impact of increasing media consolidation on local television markets, especially as it relates to local television news. As many researchers concluded in their respective studies, many of these findings are inconclusive. And while no one study is capable of providing a complete picture, it is apparent that more research is required to understand how media consolidation affects the public.

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